

COPY

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS
IN CLERKS OFFICE

ALBERT WILLIAM BLEAU, JR.,

Plaintiff,

v.

GREATER LYNN MENTAL HEALTH &
RETARDATION ASSOCIATION, et al.,

Defendants.

2005 JAN 28 P 3 25

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS
CIVIL ACTION NO. MA 04-10469JLT

**DEFENDANTS RODERICK MACLEISH, JR. AND ROBERT A. SHERMAN'S
MOTION TO DISMISS**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), defendants Roderick MacLeish, Jr. and Robert A. Sherman (together, the "Defendants") hereby move to dismiss the above-captioned action against them for lack of subject matter jurisdiction and for failure to state a claim upon which relief can be granted. In support thereof, the Defendants state that (1) all of the Plaintiff's federal question claims have been dismissed by this court, leaving only a state law defamation claim in Federal court where all the parties reside in the same State; and (2) Plaintiff's defamation claim is time barred by the applicable statute of limitations. In further support of their motion, the Defendants rely on their supporting memorandum of law, filed contemporaneously with this motion, and which is incorporated herein by reference in its entirety.

WHEREFORE, Roderick MacLeish, Jr. and Robert A. Sherman respectfully request that this Court enter an order dismissing the Plaintiff's defamation claim against them, with prejudice, and remove them from this lawsuit.

Respectfully submitted,

RODERICK MACLEISH, JR., and
ROBERT A. SHERMAN,
By their attorneys:



David G. Thomas, BBO # 640854
Allison K. Jones, BBO# 654804
GREENBERG TRAURIG, LLP
One International Place, 20th Floor
Boston, MA 02110
Tel: (617) 310-6000
Fax: (617) 310-6001

Dated: January 28, 2005

CERTIFICATION PURSUANT TO LOCAL RULE 7.1

I hereby certify that a good faith attempt to resolve or narrow the issues raised in the above motion, pursuant to Local Rule 7.1(A)(2), was made with Plaintiff Albert W. Bleau, Jr. (*pro se*).



David G. Thomas

REQUEST FOR ORAL ARGUMENT

Pursuant to Local Rule 7.1(D), the Defendants request a hearing on their motion to dismiss.

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the above document was served upon the attorney of record for each other party by mail-hand on 1/28/05 and on the Plaintiff, Pro Se